



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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First Named Inventor: Porter, John D. Filing Date: 30 March 2001
Group Art Unit: 2879 Examiner: Guharay, K.
Atty. Docket No.: CT-F139 US Candescant Docket No.: CT-F139
Title: Structure And Fabrication Of Light-Emitting Device Having Partially Coated Light-Emissive Particles
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Mountain View, California
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Responsive to the Restriction Requirement mailed 25 July 2003 for the above patent application, Applicants' Attorney provisionally elects Claims 1 - 62 in Group 1. Within Group 1, Applicants' Attorney further provisionally elects Claims 21 - 28 in the species of Group 1b for prosecution in this application.

The Restriction Requirement is respectively traversed with respect to the placement of Claims 1 - 20 in a different group than Claims 21 - 28.

Group 1a is described in the Restriction Requirement as directed to a structure having light reflective coating. The Restriction Requirement describes Group 1b as directed to a structure having getter coating.

Group 1b contains Claims 1 - 28 of which Claim 21 is the only independent claim. Inasmuch as Claim 21 recites a structure having a group of getter coatings, the Restriction Requirement's description of Group 1b as directed to a structure having getter coating is

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reasonable. However, many of the materials that serve as getter coatings in the environment of Claim 21 can also serve as light-reflective coatings. For example, dependent Claim 24 recites that the getter coatings are light reflective.

Claims 1 - 20 in Group 1a include five independent claims, Nos. 1, 9, 13, 15, and 17. Independent Claim 1 recites a structure having a group of light-reflective coatings. Accordingly, the Restriction Requirement's description of Group 1a as being directed to a structure having light reflective coating is reasonable with respect to independent Claim 1 and its dependent claims, Nos. 2 - 8.

Each of independent Claims 9, 13, 15, and 17 recites a structure having "a group of coatings". None of the coatings in Claims 9, 13, 15, and 17 are specifically recited in any of those claims as being light reflective.

Independent Claim 9 recites that the coatings comprise at least one Group IIIB (13) metal. The Group IIIB metals include boron, aluminum, gallium, indium, and thallium. In addition to these five metals, Claims 13, 15, and 17 variously recite that the indicated coatings comprise one or more of beryllium, magnesium, titanium, vanadium, chromium, manganese, iron, cobalt, nickel, copper, zirconium, niobium, molybdenum, palladium, silver, barium, tantalum, tungsten, platinum, lead, thorium, and oxide of at least one of magnesium, chromium, manganese, cobalt, nickel, and lead. While many of these materials are light reflective, many of these materials are also gettering substances.

More particularly, paragraph 19 on page 7 of the specification recites that "getter coatings are typically formed with one or more of the metals magnesium, chromium, manganese, iron, cobalt, nickel, copper, molybdenum, palladium, silver, platinum, and lead", all of which "are particularly suitable for sorbing sulfur", and that the getter coatings can alternatively or additionally "be formed with one or more of the metals titanium, vanadium, zirconium, niobium, barium, tantalum, tungsten, and thorium". Page 19 goes on to state that the getter coatings may also be light reflective when they are formed with any of the preceding twenty metals. Furthermore, paragraph 19 states that "the getter coatings can alternatively or additionally be formed with oxide of one or more of magnesium, chromium, manganese, cobalt, nickel, and lead, each of which is particularly suitable for sorbing sulfur".

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Based on what is stated in paragraph 19 and also based on what can be seen by comparing the getter materials recited in paragraph 19 to the materials variously recited in Claims 9, 13, 15, and 17, it is clear that many of the materials recited in Claims 9, 13, 15, and 17 perform both light-reflecting and gettering functions¹. The placement of independent Claims 9, 13, 15, and 17 and their dependent claims, Nos. 10 - 12, 14, 16, and 18 - 20, in Group 1a is arbitrary. Claims 9 - 20 could as well have been placed in Group 1b. At the minimum, Claims 9 - 20 should be examined with Claims 21 - 28.

In a similar manner, attempting to separate Claims 9 - 20 from Claims 1 - 8 would also be arbitrary. Consequently, Claims 1 - 8 should be examined with Claims 21 - 28 and 9 - 20.

Additionally, structures formed with light-reflective coatings and structures formed with getter coatings are handled together in the specification at paragraphs 60 - 117 on pages 17 - 38. The specification material that the Examiner would need to review in examining the claims of Group 1a is substantially the same as the specification material that the Examiner needs to review in examining the claims of Group 1b. Combining Groups 1b and 1a to form a single group would not entail materially added work on the Examiner's part in terms of specification review.

For the preceding reasons, the placement of Claims 1 - 20 in a different group from Claims 21 - 28 is inappropriate. Claims 1 - 28 should all be examined at the same time in this application.

¹ The specification provides, e.g., in paragraph 17 on page 6, that eighteen of the twenty-six metals recited in independent Claim 17 are light reflective. The remaining eight metals, titanium, vanadium, zirconium, niobium, barium, tantalum, tungsten, and thorium, are all likely to be light reflective since metals are generally light reflective. However, the specification does not disclose, as far as Applicants' Attorney is aware, that any of the six oxides recited in Claim 17 is sufficiently light reflective to be classified as light reflective in accordance with what is meant by light reflective in, for example, independent Claim 1. Especially note the disclosure in the last two sentences of paragraph 87, page 28, of the specification that particle coatings formed with one or more of these six oxides "normally provide the protective shielding function even though they may not furnish adequate light reflection". As a result, placement of Claim 17 and its dependent claims, Nos. 18 - 20, in the light-reflective category of Group 1a may be inappropriate.

Please telephone Attorney for Applicant(s) at 650 964 9767 if there are any questions.

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Respectfully submitted,

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